APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
CASANOVA, JORGE A

ART UNIT	PAPER NUMBER
2159	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/584,782	POECHMUELLER ET AL.
Office Action Summary	Examiner	Art Unit	
	JORGE A. CASANOVA	2159	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>27 June 2006</u>.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>14-27</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>14-27</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on <u>27 June 2006</u> is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☒ All b) ☐ Some * c) ☐ None of:
      1. ☒ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>06/27/2006</u>.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1.   Claims [14-27] are presented for examination.

2.   This Office action is **Non-Final**.

Information Disclosure Statement

3.   The information disclosure statement (IDS) filed on 06/27/2006 has been

considered by the Examiner and made of record in the application file.

Drawings

4.   The drawings are objected to because in Figs. 1-4, the objects are labeled by

numbers and are not descriptive enough. The Examiner suggests the use of *Legends*.

See 37 CFR 1.84 (o).

5.   Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in

reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next

Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

7.   Claims [14-22 and 24-27] are rejected under 35 U.S.C. 102(e) as being

anticipated by Knockeart et al. (US 6,628,233 B2) hereinafter "Knockeart".

8.   With respect to claim 14, the Knockeart reference discloses a method for starting

up an application in a mobile data processing device, an information database being

required in a device for operating the application [see cols. 17 ad 18, lines 54 and 5-8,

regarding an in-vehicle database 432 is used by in-vehicle system 105 in order to plan a

route from a determined location (latitude and longitude) to a desired destination or an

intermediate point on a previously planned route], comprising:

        a) providing a permanent portion [see col. 17, lines 44-45, regarding static data

includes in-vehicle database 432 and software 436] and a temporary portion of the

information database [see col. 22, lines 52-61, regarding the server system provided

GPS correction data that the in-vehicle system provides to its GPS receiver in order to

increase the accuracy of the location estimates provided by its GPS receiver; The GPS

correction data that the server system provided is only valid for a short time; After an

interval of approximately one minute from the time the GPS correction data was

obtained by the server system from its GPS receiver, the in-vehicle system stops using

the correction data and uses standard GPS instead];

     b) performing wire-bound transmission of the permanent portion from a central

server to an intermediate server [see col. 37-38, lines 50-52, 55-56 and 12-16,

regarding the navigation system uses one or more of the following alternative

approaches to updating the in -vehicle system; updating over a high-speed data link, for

example at a dealership or other service center; and a high-speed connection 2010 can

be connected to service equipment 2030 at a dealership or a service center which

downloads the updated information using industry standard communication protocols,

such as Ford's SCP or the SAE J1850 protocol];

     c) transmitting the permanent portion from the intermediate server to the device

for operating the application via a first transmission path and storing the permanent

portion in the device for operating the application [see col. 38, lines 6-9, regarding a

second approach to updating the in -vehicle system involves transferring data to the in -

vehicle system over a high-speed (e.g., up to 1 Mb/s) data connection];

     d) transmitting the temporary portion via wireless communication, the wireless

communication representing a second transmission path that is distinct from the first

transmission path [see col. 21, lines 46-50, regarding the in-vehicle system establishes

the communication session by making a cellular telephone call to the server system and

then establishing a data communication session with the server system using its

modem; also, see col. 22, lines 52-61, regarding the server system provided GPS

correction data that the in-vehicle system provides to its GPS receiver in order to

increase the accuracy of the location estimates provided by its GPS receiver; The GPS

correction data that the server system provided is only valid for a short time; After an

interval of approximately one minute from the time the GPS correction data was

obtained by the server system from its GPS receiver, the in-vehicle system stops using

the correction data and uses standard GPS instead]; and

e) executing the application [see cols. 17 ad 18, lines 54 and 5-8, regarding an

in-vehicle database 432 is used by in-vehicle system 105 in order to plan a route from a

determined location (latitude and longitude) to a desired destination or an intermediate

point on a previously planned route].

9.   With respect to claim 15, Knockeart teaches the method of claim 14, as

referenced above. Knockeart further teaches wherein step b) is triggered by a

transmission of a request from one of the intermediate server and the device for

operating the application to the central server [see col. 38, lines 12-16, regarding a high-

speed connection 2010 can be connected to service equipment 2030 at a dealership or

a service center which downloads the updated information using industry standard

communication protocols, such as Ford's SCP or the SAE J1850 protocol; the Examiner

interprets the service equipment 2030 as said intermediate server requesting the

updated data from the source that has the updated data].

10.   With respect to claim 16, Knockeart teaches the method of claim 15, as

referenced above. Knockeart further teaches wherein the transmission in step b) takes

place via a dial-up connection [see col. 38, lines 24-33, regarding another alternative

approach to updating the in-vehicle system is to use a wired telephone connection; In

this approach, the in-vehicle system includes a moderate speed modem 2050 (e.g., a

56 kb/s modem) and a telephone connector; The owner provides a physical connection

2052 from the telephone connector to the public telephone network (PSTN) 340; The in

-vehicle system places a telephone call to the server system, or another server used to

provide data updates, and downloads the data at a moderate speed over the telephone

connection].

11.   With respect to claim 17, Knockeart teaches the method of claim 15, as

referenced above. Knockeart further teaches that before step b) is carried out,

transmitting data containing information about one of an identity of the mobile device

and a location of the mobile device from the device for operating the application to the

central server [see col. 27, lines 35-38, regarding the in-vehicle system sends to the

server system either an estimate of its position, or sends raw GPS data from its GPS

receiver from which the server system computes the vehicle's position (line 1503, FIG.

15A)].

12.   With respect to claim 18, Knockeart teaches the method of claim 17, as

referenced above. Knockeart further teaches wherein, based on transmitted data about

the identity of the mobile device, one version is selected for transmission out of a

plurality of versions of the temporary portion made available on the central server [see

col. 21, lines 59-65, regarding the server system then determines the vehicle's location

(line 1555). In determining the vehicle's location, if the in-vehicle system provided raw

GPS data, such as pseudorange measurements to GPS satellites 140, the server

system applies the GPS correction data it has computed to the raw GPS data that the

vehicle provided to compute the vehicle's location].

13.   With respect to claim 19, Knockeart teaches the method of claim 14, as

referenced above. Knockeart further teaches wherein the transmission in step c) takes

place via one of a wire, a local network, and a portable data carrier [see col. 38, lines 5

and 34, regarding updating over a High Speed Data Link and updating over a Wireless

Link].

14.   With respect to claim 20, Knockeart teaches the method of claim 14, as

referenced above. Knockeart further teaches before step d), transmitting information

specific to the mobile device via wireless communication from the mobile device to the

central server, wherein step d) is carried out only if the central server recognizes, based

on the specific information, that the mobile device is suited to receiving the temporary

portion [see col. 2, lines 6-16, regarding the server determines a route to the specified

destination and transmits a specification of the route to the vehicle; The method also

includes receiving from the server a specification of a planned route through the road

network to the destination as well as receiving from the server a map that includes a

specification of the road network in the vicinity of the planned route; For instance, the

map can correspond to one or more regions around particular points on the planned

route, correspond to a "corridor" around the planned route, or be a complex shaped

region in the vicinity of the route. The planned route can include specifications of a

multiple maneuvers to be carried out by the vehicle, and the specification of each

maneuver then includes a location of the maneuver; the Examiner interprets that
determining a route to transmits to an in-vehicle system based on one or more
regions around particular points on the planned route, correspond to a "corridor" around
the planned route, or be a complex shaped region in the vicinity of the route **is
determining whether or not the in-vehicle system is suited [i.e., situated in a
planned route] that requires it to receive information from the server]. (emphasis
added)**

15.   With respect to claim 21, Knockeart teaches the method of claim 20, as
referenced above. Knockeart further teaches wherein the transmission of the specific
information takes place in such a way that it is controlled by the permanent portion of
the information database [see col. 4, lines 2-4, regarding the method can also include
determining a route to the specified location using the server map database, and
transmitting the determined route to the in-vehicle system; as interpreted by the
Examiner the method takes place in such a way as it would as the static data included
in the in-vehicle database 432].

16.   With respect to claim 22, Knockeart teaches the method of claim 14, as
referenced above. Knockeart further teaches calculating the temporary portion by the
central server based on data transmitted previously from the device for operating the
application via wireless communication [see col. 21, lines 59-65, regarding the server
system then determines the vehicle's location (line 1555). In determining the vehicle's
location, if the in-vehicle system provided raw GPS data, such as pseudorange
measurements to GPS satellites 140, the server system applies the GPS correction

data it has computed to the raw GPS data that the vehicle provided to compute the

vehicle's location].

17.   With respect to claim 24, Knockeart teaches the method of claim 14, as

referenced above. Knockeart further teaches wherein the mobile device is part of an

electronic system of a motor vehicle [see cols. 17 ad 18, lines 54 and 5-8, regarding an

in-vehicle database 432 is used by in-vehicle system 105 in order to plan a route from a

determined location (latitude and longitude) to a desired destination or an intermediate

point on a previously planned route].

18.   With respect to claim 25, Knockeart teaches the method of claim 14, as

referenced above. Knockeart further teaches wherein the temporary portion includes

geographic information [see col. 6, lines 30-33, regarding the method can feature

prioritizing the update information, for instance, according to the geographic area

represented by the update information and transmitting the update information in order

of the priority; also, see col. 22, lines 52-61, regarding the server system provided GPS

correction data that the in-vehicle system provides to its GPS receiver in order to

increase the accuracy of the location estimates provided by its GPS receiver; The GPS

correction data that the server system provided is only valid for a short time; After an

interval of approximately one minute from the time the GPS correction data was

obtained by the server system from its GPS receiver, the in-vehicle system stops using

the correction data and uses standard GPS instead].

19.   With respect to claim 26, Knockeart teaches the method of claim 24, as

referenced above. Knockeart further teaches wherein the geographic information

includes geographic information that has only temporary validity [see col. 22, lines 55-57, regarding the GPS correction data that the server system provided is only valid for a short time; the Examiner interprets said valid for a short time as a temporary validity].

20.   With respect to claim 27, Knockeart teaches the method of claim 14, as referenced above. Knockeart further teaches updating the temporary portion from time to time while the device for operating the application is operating [see col. 30, lines 10-13, regarding the server system can periodically update the stored sequences in the vehicles to reflect the typically requested routes by those vehicles].

Claim Rejections - 35 USC § 103

21.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

22.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knockeart, in view Anlauf et al. (U.S. Patent 4,340,935) hereinafter "Anlauf".

23.   With respect to claim 23, Knockeart teaches the method of claim 14, as referenced above. Knockeart does not explicitly disclose wherein the application is a testing program for testing a functionality and diagnosing malfunctions of one of the mobile device and another device connected thereto.

However, Anlauf teaches wherein the application is a testing program for testing a functionality and diagnosing malfunctions of one of the mobile device and another

device connected thereto [see col. 1, lines 11-20, regarding a self-monitoring circuit operative, when the control device is switched on, for implementing a testing program comprised of a sequence of test functions of operations devised to test the operativeness of the entire negative-feedback control system. In the event that the negative-feedback control system, as a result of the test program runthrough, is found to be inoperative or malfunctioning in any tested respect, the control device of the system is shut off and a malfunction indication is generated].

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to combine Knockeart with the teachings of Anlauf because doing so would enable a program to test the functions and operativeness of a device and also give an individual an indicator when the device has malfunctioned.

Prior Art Made of Record

24.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

> ❖ Fish et al. discloses system and associated method of integrating subscriber
>   based traffic navigation and hospitality data with a global positioning system.

Conclusions/Points of Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JORGE A. CASANOVA whose telephone number is (571) 270-3563. The examiner can normally be reached on Mon. - Fri., 7:15 a.m. - 5:45 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James K. Trujillo can be reached on (571) 272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JORGE A CASANOVA/   /James Trujillo/
Examiner, Art Unit 2159   Supervisory Patent Examiner, Art
                                            Unit 2159